

In the Court of Appeals of the State of Alaska

Raymond C. Katchatag,
Appellant,

v.

State of Alaska,
Appellee.

Court of Appeals No. **A-13311**

Order

Date of Order: **July 29, 2020**

Trial Court Case No. **3AN-16-09226CI**

Before: Allard, Chief Judge, and Wollenberg and Harbison, Judges

Raymond C. Katchatag appeals the dismissal of his application for post-conviction relief. Katchatag is represented on appeal by attorney Fleur L. Roberts, under contract with the Office of Public Advocacy.

The opening brief in this case was first due on February 11, 2019. After Ms. Roberts requested a series of extensions of time that fell within the 390-day limit set out in Standing Order No. 12, the opening brief was due on March 9, 2020. (Technically, the opening brief due date was extended at that point for 392 days, because the 390th day fell on a Saturday.)

Ms. Roberts then requested a number of additional extensions of time to file the opening brief, but she repeatedly failed to meet the requested deadline or file a timely request for an extension.

On March 10, 2020, Ms. Roberts filed a request for an extension of time until March 16, 2020 to file the opening brief. The Court denied this extension request as moot because the opening brief was not filed by the requested deadline. The Court directed Ms. Roberts to file a new motion that complied with Standing Order No. 12.

Ms. Roberts did not file another extension request until May 4, 2020.¹ In that extension request, Ms. Roberts requested a deadline of May 15, 2020 to file the opening brief. We again denied this request as moot because the opening brief was not filed by the requested deadline. We again directed Ms. Roberts to file a new motion that complied with Standing Order No. 12.

On June 11, 2020, with no opening brief having been filed, this Court issued an overdue notice indicating that the opening brief had been due on March 9, 2020, and directing Ms. Roberts to show cause why a fine of \$50.00 should not be imposed under Appellate Rule 510(c). The notice also directed Ms. Roberts to file the brief (accompanied by a motion to accept the late-filed brief), or a proper motion for an extension of time. The Court ordered both the response to the order to show cause and the brief (or extension request) to be filed on or before June 25, 2020.

Ms. Roberts did not respond to our order to show cause, or file a brief, by the June 25, 2020 deadline.

On June 12, 2020 (apparently before receiving our overdue notice), Ms.

¹ In the May 4, 2020 extension request, Ms. Roberts stated that an administrative order issued on March 27, 2020 permitted an automatic extension in this case until May 1, 2020. Although there is nothing in that administrative order to suggest that it applied retroactively to the March 9 deadline that Ms. Roberts had already missed, it appears from our review of the appellate pleading file that Ms. Roberts mistakenly received this direction from the Appellate Clerk's Office. *See* Appellate Courts Administrative Order Governing Relaxation and Suspension of Appellate Rules Based on COVID-19 Pandemic (dated March 27, 2020). (A similar administrative order from this Court issued on March 16 applied only to briefing deadlines falling between March 17 and April 3, 2020. *See* Court of Appeals Order for Extension of Deadlines (dated March 16, 2020).)

Roberts filed a motion for an extension of time to June 26, 2020 to file the opening brief. Although Ms. Roberts set out reasons for requesting an additional extension, she did not explain why she had repeatedly failed to file the brief, or a proper motion for an extension of time, by the prior requested deadlines.

On July 1, Ms. Roberts emailed her response to the order to show cause, along with the opening brief and a motion to accept the late-filed opening brief, to the Court, but she sent these documents to the wrong email address. These documents were finally received by the Court on July 10, when Ms. Roberts re-sent them to the correct email address.

In her response to the order to show cause, Ms. Roberts does not provide any explanation for her repeated failure to meet prior requested deadlines in this case, or for her failure to file a response to our order to show cause, or a motion for an extension of time to file the opening brief, by June 25, 2020.

We note that we recently sanctioned Ms. Roberts twice in another case, *Rak v. State*, A-13254, for missing briefing deadlines.

Accordingly, IT IS ORDERED:

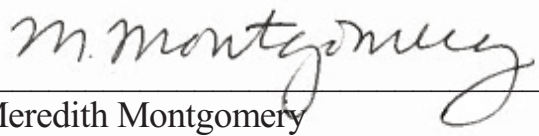
1. The opening brief is accepted as filed.
2. In our overdue brief notice, we indicated our intent to impose a sanction of \$50. Based on Ms. Roberts's pattern of missing deadlines and her failure to timely respond to our order to show cause, we conclude that Ms. Roberts shall be sanctioned in this case in the amount of \$50. Ms. Roberts shall pay the sanction to the Clerk of the

Appellate Courts **on or before August 13, 2020.**

It is our intent that any future sanctions against Ms. Roberts for similar conduct will be higher.

Entered at the direction of the Court.

Clerk of the Appellate Courts


Meredith Montgomery

cc: Office of Public Advocacy
Bar Counsel, Alaska Bar Association

Distribution:

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